

GLOBALIZATION, CANADIAN FAMILY POLICY, AND THE OMISSIONS OF NEOLIBERALISM*

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The relationship between globalization, family structures, and social policy is complex, uneven, and evolving. This Article examines social policy reform in Canada during the past two decades in order to advance three propositions about the relationship between globalization and public policy: first, the influence of globalization on social policy is neither direct nor uniform but, instead, strongly mediated by changing political rationalities; second, neoliberalism is most productively understood as a contested political rationality that weaves foundational commitments to the market, market logics, and individualization into new public policies and regulatory fields and onto existing ones; and, finally, analyses of contemporary family policy should be as concerned with the ways in which governments frame social policy reforms as with the amount that they spend on them. Describing recent policy interventions in family income support, maternity, parental benefits, and care policies, this Article describes how Canadian social policy reform relies on fiscalization, which presupposes that relatively modest payments to individuals and families or tax deductions and credits can stand in for social research and planning, democratic debate, and public infrastructure. Fiscalization also imagines that families will use relatively small increments in income for their designated policy goal in an era when a great many families are coping with declining incomes, unemployment, and rising debt. Although income support is necessary for a growing number of Canadian families, this Article concludes that social policy reform has yet to adequately respond to contemporary family challenges, including work-life balance and a growing care deficit.

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INTRODUCTION

The first global recession of the twenty-first century, the deepest and most diffuse since the Great Depression of the 1930s, has amply demonstrated that families everywhere are extremely vulnerable to the “organized irresponsibility”¹ that has restructured the international political economy and national social policy regimes in the past three decades. Economic globalization, involving globally integrated production processes and unbounded financial markets, has generated unprecedented wealth for a fraction of the world’s population. It also has left gaps in wealth and income both within and between countries as well as troubling economic insecurity and indebtedness for national treasuries and household budgets alike.² On an international scale, the complex and, some would say, irreversible dimensions of globalization have generated unprecedented flows of economic migrants, the entrenchment of transnational chains of care and domestic work, and the consolidation of remittance economies.

The consequences of these and related factors have led many academics and international agencies to conclude that there is a fundamental and growing antagonism between the prevailing model

1. ULRICH BECK, *ECOLOGICAL POLITICS IN AN AGE OF RISK* 58 (Amos Weisz trans., Polity Press 2002) (1988); ULRICH BECK & ELIZABETH BECK-GERNSEIM, *INDIVIDUALIZATION: INSTITUTIONALIZED INDIVIDUALISM AND ITS SOCIAL AND POLITICAL CONSEQUENCES* 188 (Patrick Camiller trans., 2002).

2. U.N. DEV. PROGRAM, *HUMAN DEVELOPMENT REPORT 2005: INTERNATIONAL COOPERATION AT A CROSSROADS; AID, TRADE AND SECURITY IN AN UNEQUAL WORLD* 1–15 (2005); ARMINE YALNIZYAN, *CANADIAN CTR. FOR POLICY ALTERNATIVES, EXPOSED: REVEALING TRUTHS ABOUT CANADA’S RECESSION* 3–39 (2009), http://www.policyalternatives.ca/sites/default/files/uploads/publications/National_Office_Pubs/2009/Exposed_Revealing_Truths_About_Canadas_Recession.pdf.

of the economic growth and the maintenance of stable conditions for social reproduction.³ The latter can be broadly conceived as the political imaginaries, public policies, and material practices necessary to sustain and reproduce individuals, families, and communities on a daily and generational basis.⁴ In many ways, the 2008 financial meltdown and ensuing global recession have summoned a “perfect storm” that has rendered average families ill-equipped to cope with the progressive downloading of social risks that has accompanied the disassembling of the postwar welfare state in recent years.⁵ This Article focuses on changes in family policy in Canada in the past two decades to explore two themes: first, the evolving relationship between economic globalization, neoliberal governance, and social policy; and, second, the ways in which recent policy innovations imagine and enforce neoliberal constructions of the market and the self-sufficient individual and family.

Part I of this Article describes two distinct and often conflicting dimensions of contemporary globalization: globality and globalism. While the former envisions the world as a singular political space, globalism and especially neoliberal globalism is a political rationality that has been linked to changes in contemporary social policy regimes. This Article finds little support for the popular argument that globalism has had a uniform impact on postwar social policy regimes, forcing all countries to make dramatic cuts in social spending.⁶ Part II drills deeper into the relationship between neoliberalism and social policy reform. Outlining differing interpretations of neoliberal governance, this Article argues that it is productively understood as a political rationality, which, experimental and complex, has resulted in a wide range of social policy reforms. Part III describes the transition in Canada from a social liberal to a neoliberal social policy regime. Part IV describes recent innovations in Canadian family policy and highlights the ways in which they are predicated on an underlying commitment to the primacy of the market as the source of family well-being and choice. This Article ultimately concludes that these new social policies, while providing

3. Isabella Bakker & Stephen Gill, *Ontology, Method, and Hypothesis*, in *POWER, PRODUCTION AND SOCIAL REPRODUCTION* 17, 27 (Isabella Bakker & Stephen Gill eds., 2003).

4. *See id.* at 19–24.

5. Christine Dugas, “*Perfect Storm*” Puts All Types in Financial Peril, *USA TODAY*, Mar. 26, 2009, at B1.

6. *See* BOB JESSOP, *THE FUTURE OF THE CAPITALIST STATE* 147 (2002) (arguing that social policy should not be isolated from economic policy).

some needed income support to poor families, fail to address the growing care deficit in Canada.

I. GLOBALIZATION AND THE RACE TO THE BOTTOM

There is now rich and diverse literature that documents the multiple and varied pressures that globalization allegedly asserts on social reproduction processes and on diverse family forms in both developed and developing countries.⁷ This literature, however, often does not unpack the concept of “globalization,” assuming erroneously that its parameters are both stable and transparent to all. Globalization is a variable and contested term, not the least because of the vast array of economic, political, and cultural transformations that have been attributed to it.⁸ Generally, it is useful to think of globalization as comprising two conceptually, although not always discursively or politically, distinct dimensions.⁹

The first dimension, *globality*,¹⁰ consists of transnational flows of economic, cultural, and technological forces that have progressively broken barriers of time, space, and nation, fashioning the planet into a global political space and its diverse peoples into “overlapping communities of fate.”¹¹ Globality is often represented as being epochal, transformational, and irreversible.¹² It is also widely understood that the reconfiguration of space rendered by globality has generated social and political problems that can no longer be contained or resolved within the competencies or territorial boundaries of a single national state.¹³ As globalization scholar Ulrich Beck further explains, globality implies that “nothing which happens

7. See generally JESSOP, *supra* note 6 (examining the multiple impacts of economic globalization on social and political relations and state formations); Bakker & Gill, *supra* note 3 (constructing a framework with which to conceptualize global changes in the global organization of production and social reproduction); Janine Brodie, *Globalization and the Social Question*, in GOVERNING UNDER STRESS: MIDDLE POWERS AND THE CHALLENGE OF GLOBALIZATION 12 (Marjorie Griffin Cohen & Stephen Clarkson eds., 2004) (discussing the challenges and consequences of neoliberal globalism for semi-peripheral states).

8. See, e.g., ULRICH BECK, WHAT IS GLOBALIZATION? 1–6 (Patrick Camiller trans., 2000); Mike Featherstone, *Genealogies of the Global*, 23 THEORY CULTURE & SOC'Y 387, 387–419 (2006).

9. See BECK, *supra* note 8, at 8–10.

10. *Id.* at 9 (“Globality means that we have been living for a long time in a world society . . .”).

11. DAVID HELD ET AL., GLOBAL TRANSFORMATIONS: POLITICS, ECONOMICS AND CULTURE 445 (1999).

12. See BECK, *supra* note 8, at 8–11.

13. Janine Brodie, *Globalization Insecurity and the Paradoxes of the Social*, in POWER, PRODUCTION AND SOCIAL REPRODUCTION, *supra* note 3, at 47, 50–51.

on our planet is only a limited local event.”¹⁴ Globality does not necessarily prevent the national state from acting to cushion its citizens from the new social risks associated with global restructuring, among them, precarious employment, declining incomes and benefits, and work-life balance issues.¹⁵ Instead, it requires political actors to innovate, to coordinate actions on international and transnational scales, and to formulate local solutions to global social challenges.

The second dimension of globalization, *globalism*,¹⁶ refers to a political mindset or political rationality that promotes a universal worldview and standardized governing practices that potentially trump national policy preferences and state sovereignty. The prevailing experiment with globalism, neoliberal globalism, prioritizes economic growth and market logics over most other goals and institutions of governance.¹⁷ As Beck further explains, it is an “ideology of rule by the world market,” asserting that the complexities of politics “can be run in the way that a company is run.”¹⁸ Consolidated under the so-called “Washington Consensus” in the 1980s, neoliberal globalism has promoted, with varying degrees of transparency, coercion, and consensus, a bundle of reinforcing governing instruments, prominent among them privatization, trade liberalization, deregulation, public sector reduction, and social policy reform.¹⁹ This model of governance, although tarnished and destabilized by the current economic crisis, aspires to subject both citizens and governments to the rigors of markets, ideally constraining them from interfering with global capital flows, self-regulating markets, and consumer choice and sovereignty.²⁰

Although national governments are challenged to develop strategies to adjust to the new social risks associated with globality, the issue of (under)investment in families has been more directly linked to the practices and policies advanced through neoliberal

14. BECK, *supra* note 8, at 11.

15. GØSTA ESPING-ANDERSEN, *THE INCOMPLETE REVOLUTION: ADAPTING WELFARE STATES TO WOMEN’S NEW ROLES* 56 (2009).

16. *See* BECK, *supra* note 8, at 9 (“By globalism I mean the view that the world market eliminates or supplants political action . . .”).

17. *See* Brodie, *supra* note 7, at 12–28.

18. BECK, *supra* note 8, at 9.

19. *GLOBAL GOVERNMENTALITY: GOVERNING INTERNATIONAL SPACES* 8 (Wendy Larner & William Walters eds., 2004).

20. *See* Stephen Gill, *Globalization, Market Civilization, and Disciplinary Neoliberalism*, 24 *MILLENNIUM J. INT’L STUD.* 399, 399–423 (1995).

globalism.²¹ The so-called “strong version of the globalization thesis,” in particular, asserts that the unprecedented capacities of capital to move around the world forces national governments to compete with one another in a race to the bottom in order to retain and attract investment.²² This unrelenting pressure on national governments to adhere to the fundamentals, to deregulate, to open new markets, and to cut taxes places pronounced downward pressure on social policy spending and program development.²³ Consequently, “the premises of the welfare state . . . melt under the withering sun of globalization.”²⁴ From this perspective, a fundamental paradox lies at the heart of the neoliberal globalism’s policy prescriptions. Many of the negative social outcomes associated with this package of economic policies, such as recurrent financial crises, growing gaps in wealth and income, precarious and under employment, and stagnant and declining family incomes, maximize the need for governments to shelter individuals, families, and communities from the vagaries and instabilities of global markets. These same governing ideas, however, minimize the conceptual and political spaces and strategic instruments necessary to craft a social architecture that is responsive to both old and new social risks. This “paradox of the social” is firmly situated in neoliberal political rationalities.²⁵

Contrary to the predictions of the strong globalization thesis, however, the world’s social policy regimes have not converged at the bottom. Although neoliberal policy prescriptions have prevailed for a quarter century, national social policy regimes demonstrate remarkable variation in the ways in which these governing orientations have been internalized and implemented on a national scale. Organisation of Economic Co-operation and Development (“OECD”) data on total public social expenditures and total expenditures on family policy, for example, show remarkable consistency and variability in public social spending in the past thirty years. Countries with a legacy of comprehensive social policies, social democratic regimes such as Sweden and Norway, continue to outspend, as measured by percentage of Gross Domestic Product

21. See generally Rianne Mahon, *The OECD’s Discourse on the Reconciliation of Work and Family Life*, GLOBAL SOC. POL’Y, Aug. 2009, at 183, 183 (examining the role of soft powers in the formation of social policies).

22. PAUL HIRST & GRAHAME THOMPSON, GLOBALIZATION IN QUESTION 4–5 (2d ed. 1999).

23. See Gill, *supra* note 20, at 402–05.

24. BECK, *supra* note 8, at 1.

25. Brodie, *supra* note 7, at 24–25.

(“GDP”), characteristically less generous liberal regimes such as Canada and the United States.²⁶ Moreover, overall social spending has increased in most OECD countries in the past three decades.²⁷ In Canada, for example, total public social spending increased from 13.7% of GDP in 1980 to 16.5% in 2005,²⁸ while the equivalent statistics for the United States are 13.1% and 15.9%, respectively.²⁹ Similarly, most OECD countries, with the glaring exception of the United States, have increased total family policy spending between 1980 and 2005.³⁰ While the United States’ family policy expenditures decreased from 0.8% to 0.6% of GDP, Canada’s spending increased only marginally from 0.7% to 1.1%.³¹ Overall, these data betray the contention that globalization has forced a global convergence at the bottom in the social policy field. These findings also are consistent with Duane Swank’s more detailed comparative study of the impact of globalization on developed welfare states, which also found little evidence in aggregate public expenditure and similar data to support the “convergence-at-the-bottom” thesis.³² Swank concluded that the domestic impacts of international capital mobility are complex, variable, and strongly mediated by national political histories and policy path dependencies.³³

II. NEOLIBERALISM AND SOCIAL POLICY REFORM

Aggregate public expenditure data paint policy landscapes with broad quantitative strokes, shedding important light on the fiscal side of social policy continuity and change. These data, however, do not address equally important questions relating to whether and how neoliberal priorities and governing strategies undermine established social programs, reinvent others, and inform new initiatives, thereby reshaping citizen choices, subjectivities, and the constraints and possibilities of daily life. These themes are less accessible to social policy analysts than those explored through public accounts data but are critical to understanding contemporary family policy. Research in

26. See ORG. FOR ECON. CO-OPERATION & DEV., THE OECD SOCIAL EXPENDITURE DATABASE (2009) [hereinafter OECD], http://stats.oecd.org/index.aspx?datasetcode=SOCX_AGG.

27. *Id.*

28. *Id.*

29. *Id.*

30. *Id.*

31. *Id.*

32. See DUANE SWANK, GLOBAL CAPITAL, POLITICAL INSTITUTIONS, AND POLICY CHANGE IN DEVELOPED WELFARE STATES 274–89 (2002).

33. *Id.* at 5.

this vein indicates that the imprint of neoliberalism on social policy has not been uniform across advanced liberal democracies, leading some to question the coherence and utility of neoliberalism as an analytic concept or, indeed, whether the neoliberal moment has passed.³⁴ On closer inspection, however, these debates reflect different perspectives on neoliberalism itself.

Governmentality theorist Wendy Larner points out that neoliberalism has been variously understood as a specific template or amalgam of policies, as a political ideology and political project, and as a distinct set of discourses, practices, and expertise that together form a rationale for governance.³⁵ While the lines between these three perspectives are sometimes blurred, the policy template approach typically focuses, both positively and negatively, on the policies and institutions (subnational, national, and international) that in recent decades have advanced free trade, privatization, deregulation, and the reduction of the public sector.³⁶ The second perspective, often allying with the first, understands neoliberalism as a political ideology and as a political project that advances the material interests of the capitalist class and of the global North at the expense of socially subordinate classes and the global South. As David Harvey further explains, neoliberalism is a “class project, masked by a lot of neoliberal rhetoric about individual freedom, liberty, personal responsibility, privatisation and the free market.”³⁷ “These were means,” he argues, “towards the restoration and consolidation of class power, and [the] *neo-liberal project* has been fairly successful.”³⁸ The final perspective treats neoliberalism as a political rationality or “a system of meaning that *constitutes* institutions, practices and identities in contradictory and disjunctive ways.”³⁹ This final perspective draws from Michel Foucault’s suggestive formulation of the concept of governmentality, which linked practices of government (the conduct of conduct) with mentalities or knowledges (*savoirs*)

34. See, e.g., John Clarke, *Living With/in and Without Neo-Liberalism*, 51 FOCAL EUR. J. ANTHROPOLOGY 135, 135–47 (2008); Neil Smith, Comment, *Neoliberalism—Dominant but Dead*, 51 FOCAL EUR. J. ANTHROPOLOGY 155, 155–57 (2008).

35. Wendy Larner, *Neo-Liberalism: Policy, Ideology, Governmentality*, 63 STUD. POL. ECON. 5, 8–15 (2000).

36. See Gill, *supra* note 20, at 411–23.

37. David Harvey, *Is This Really the End of Neoliberalism?*, COUNTER PUNCH NEWSL., Mar. 13–15, 2009, available at www.counterpunch.org/harvey03132009.html.

38. *Id.* (emphasis added).

39. Larner, *supra* note 35, at 12 (emphasis added).

about governing.⁴⁰ The governmentality perspective holds that the act of governing proceeds under, indeed finds its justification in, particular ways of seeing political problems and that there is an intrinsic link between “a way of representing and knowing a phenomenon” and ways “of acting upon it so as to transform it.”⁴¹ Although historically shifting and always contested, political rationalities render reality “thinkable,” identify the “appropriate forms, objects, and limits of politics,” and the problems to be solved, as well as the programs, governing instruments, and strategies for intervening to achieve these ends.⁴² Once operational, these programs of government permeate different policy fields and, in so doing, recast social identities, the citizen-state bargain, and the material practices of everyday life.⁴³

The tangible imprints of neoliberal political rationalities on national social policy architectures in recent decades have been experimental, complex, and reflexive, sometimes deploying governing strategies and public policies that only indirectly invoke market logics⁴⁴ or, in fact, may appear to violate such prescribed neoliberal fundamentals as fiscal austerity and the minimalist state. The unprecedented bailouts by the United States of the financial sector and automotive sector and the stimulus package enacted by the Canadian government are recent examples of such violations from the prescriptions of neoliberal governance. The apparent absence of a stable or core social policy template also has led some analysts to interpret relative stability in social spending as evidence of neoliberal globalism’s modest impact on social policy,⁴⁵ while slight increases and new spending are sometimes interpreted as harbingers of a post-neoliberal “social investment” era.⁴⁶ To be sure, neoliberalism is not a monolithic governing formula, not the least because of the many variations of neoliberal discourses, technologies, and interventions

40. See MITCHELL DEAN, *GOVERNING SOCIETIES: POLITICAL PERSPECTIVES ON DOMESTIC AND INTERNATIONAL RULE* 50–51 (2007); MITCHELL DEAN, *GOVERNMENTALITY: POWER AND RULE IN MODERN SOCIETY* 2–4, 10–16 (1999); MICHEL FOUCAULT, *SECURITY, TERRITORY, POPULATION* 108–09 (Michel Senellart ed., Graham Burchell trans., 2004).

41. PETER MILLER & NIKOLAS ROSE, *GOVERNING THE PRESENT* 15 (2008).

42. Nikolas Rose & Peter Miller, *Political Power Beyond the State: Problematics of Government*, 43 *BRIT. J. SOC.* 173, 175–83 (1991).

43. See MILLER & ROSE, *supra* note 41, at 62–78.

44. Clarke, *supra* note 34, at 136.

45. See SWANK, *supra* note 32, *passim*.

46. Jane Jenson, *Citizenship in the Era of “New Social Risks”: What Happened to Gender Inequalities?*, in *GENDERING THE NATION-STATE: CANADIAN AND COMPARATIVE PERSPECTIVES* 185, 195–96 (Yasmeen Abu-Laban ed., 2008).

that have emerged in the past three decades, the shifting parameters of neoliberal governance during these years, and the different ways in which counter “discourses, projects, practices, and imaginaries” have been incorporated into neoliberal frameworks on national and local scales.⁴⁷ These qualities of unevenness, instability, cooptation, and reflexivity, however, less detract from *than define* the contemporary neoliberal governing experiment, especially in the social policy field. Neoliberal governance, in other words, is marked by instability, contradiction, and experimentation.

Yet, despite important cross-national differences in social policy reform, neoliberal social policy regimes are nonetheless informed by a cluster of core assumptions that mark a radical departure from the generative orientations of the postwar welfare state.⁴⁸ Neoliberalism draws its intellectual force from neoclassical economics, which progressively gained influence in the corridors of international financial institutions, the transnational corporate sector, and national finance bureaucracies in the last decades of the twentieth century.⁴⁹ Neoclassical economics embroidered laissez-faire imaginaries about self-regulating markets and the minimalist state onto a series of claims about the universal efficiencies of markets logics. However, “[n]eoliberal rationality, while foregrounding the market, is not only or even primarily focused on the economy.”⁵⁰ neoliberal public policy has “cultural, social and political effects that exceed its surface operations.”⁵¹ In particular, it extends and disseminates market logics and calculations and market-mimicking practices to a vast array of social and political institutions, reaching down into and transforming, among other things, individual subjectivities, gender orders, and the organization of households.⁵²

47. Clarke, *supra* note 34, at 139.

48. See Janine Brodie, *The New Social “isms”: Individualization and Social Policy Reform in Canada*, in CONTESTED INDIVIDUALIZATION: DEBATES ABOUT CONTEMPORARY PERSONHOOD 153, 157–61 (Cosmo Howard ed., 2007) [hereinafter Brodie, *The New Social “isms”*]; Janine Brodie, *The Social in Social Citizenship*, in RECASTING THE SOCIAL IN CITIZENSHIP 20, 39–42 (Engin F. Isin ed., 2008) [hereinafter Brodie, *Social Citizenship*].

49. See BEN FINE, SOCIAL CAPITAL VERSUS SOCIAL THEORY 9–10 (2001).

50. WENDY BROWN, EDGEWORK: CRITICAL ESSAYS ON KNOWLEDGE AND POLITICS 39–40 (2005).

51. WENDY BROWN, REGULATING AVERSION: TOLERANCE IN THE AGE OF IDENTITY AND EMPIRE 8–9 (2006).

52. See Clarke, *supra* note 34, at 141; Wendy McKeen, *The Politics of the National Children’s Agenda: A Critical Analysis of Contemporary Neoliberal Social Policy Change*, in PUBLIC POLICY FOR WOMEN: THE STATE, INCOME, SECURITY AND LABOR MARKET ISSUES 71, 77–80 (Marjorie Cohen & Jane Pulkingham eds., 2009) [hereinafter PUBLIC POLICY FOR WOMEN].

John Clarke argues that neoliberal public policy is invariably grounded in the combination of four foundational orientations: an unequivocal commitment to market rationalities; the celebration of the possessive, self-sufficient individual; preoccupation with calculating efficiencies, primarily understood as being economic; and the proliferation of multiple forms of authority beyond the national state.⁵³ Over the span of a generation, these rationalities first weakened and then displaced the vision, expertise, policies, and practices of postwar social liberalism.⁵⁴ With varying degrees of success, neoliberal political rationalities have been written into social governance through what Clarke terms “the double process of articulation and assemblage.”⁵⁵ Some things are “articulated *into* neoliberalism’s repertoire” while in other instances, elements “*from* neoliberalism’s repertoire” are overlaid onto “specific/local assemblages or constellations.”⁵⁶ In other words, some things are drawn into the market, individualized, and subjected to market metrics and other forms of authority. The privatization of public assets and services, the creation of new markets, and the commodification of care are examples of this process. In other instances, neoliberal fundamentals are imposed upon and embedded within established governing processes, political spaces, and identities through such instruments as the new public management, active social welfare programs, and the fiscalization of social policy. For example, the public service is obliged to act according to private sector logics, welfare recipients are expected to provide labor to pay for their social assistance, and social welfare programs are transformed into cash payments to individuals.

The incremental restructuring of Canada’s postwar social policy architecture, as Part IV of this Article argues, reflected a two-prong strategy of first, disassembling the postwar social citizenship model and second, devising new policies that both respond to contemporary social needs, especially with respect to family income support and a growing care deficit, and assembling and articulating neoliberal political rationalities in policy design and implementation. The next Part of this Article provides a brief overview of the construction of Canada’s postwar social architecture and the centrality of families and family policy to that model of social governance.

53. Clarke, *supra* note 34, at 140–41.

54. For a discussion of the Canadian case, see JANINE BRODIE & ISABELLA BAKKER, *WHERE ARE THE WOMEN?: GENDER EQUITY, BUDGETS AND CANADIAN PUBLIC POLICY* 15–41 (2008).

55. Clarke, *supra* note 34, at 144.

56. *Id.* (emphasis added).

III. FROM SOCIAL LIBERALISM TO NEOLIBERALISM

Across the industrialized world, the Great Depression of the 1930s prompted widespread repudiation of the core assumptions and policies of laissez-faire liberalism, but a decade and another devastating world war passed before an alternative political rationality, social liberalism, gained ascendancy, and the pillars of the postwar Keynesian welfare state were set in place.⁵⁷ Postwar social liberalism, similar to its neoliberal successor, materialized in a variety of policy agendas and regime types, ranging from the modest liberal welfare regimes of North America to the “cradle to grave” social governance systems of Northern Europe.⁵⁸ Yet, despite pronounced differences in the scope and depth of postwar welfare states, all were informed by two foundational rationalities. First, it was widely accepted that markets were inherently unstable and that governments necessarily had to intervene to minimize these instabilities, largely through fiscal and monetary policies, and to cushion citizens and families from systemic and life cycle risks through collective provision.⁵⁹ Second, social planning, social policy, and the law were understood as authoritative and efficacious governing instruments that could correct for systemic barriers and inequalities and promote broader visions of social justice.⁶⁰ These foundational orientations toward social government would later become primary targets for neoliberal critics of the welfare state.⁶¹

However, if the foundational rationales for the postwar welfare state were formed in response to market failures, they also addressed what Folbre calls “family failures,” particularly the diminished capacities of family and kin networks to adequately provide care and subsistence for those in need.⁶² The new industrialism in early

57. Brodie, *Social Citizenship*, *supra* note 48, at 36–38.

58. GØSTA ESPING-ANDERSEN, *THE THREE WORLDS OF WELFARE CAPITALISM* 9–15 (1990).

59. See Janine Brodie, *Reforming Social Justice in Neoliberal Times*, 1 *STUD. SOC. JUST.* 93, 97–98 (2007).

60. *Id.* at 98–99; see GEORGES CAMPEAU, *FROM UI TO EI: WAGING WAR ON THE WELFARE STATE* 72–73 (Richard Howard trans., 2005).

61. See generally LAWRENCE M. MEAD, *BEYOND ENTITLEMENTS* 1–17 (1988) (discussing increased individual responsibility and welfare dependency); LAWRENCE M. MEAD, *THE NEW POLITICS OF POVERTY* 185–209, 247–49 (1992) (discussing condemned passive welfare programs); CHARLES MURRAY, *LOSING GROUND: AMERICAN SOCIAL POLICY, 1950–1980*, at 196–204 (1984) (raising questions about the underlying assumptions of social policy in the United States); JOHN RICHARDS, *RETOOLING THE WELFARE STATE* 139–84 (1997) (criticizing Canadian social policy).

62. See NANCY FOLBRE, *THE INVISIBLE HEART: ECONOMICS AND FAMILY VALUES* 91 (2001).

twentieth century North America, for example, saw vast waves of internal migration from farms to cities for lucrative manufacturing jobs, followed by the collapse of laissez-faire capitalism in the 1930s.⁶³ These processes generated extraordinary social dislocations that surpassed the combined social reproductive capacities of women's domestic labor, the family, the Church, and the community. This crisis in care informed the analyses and recommendations of the 1943 Marsh Report,⁶⁴ the founding blueprint for the Canadian welfare state. It embodied a widespread consensus about the "basic lessons to be learned from the experience of the thirties" and appropriate pathway for the future.⁶⁵ "The only rational way to cope with the large and complicated problem of the insecurities of working and family life," the report explained, "is by recognizing and legislating for particular categories or areas of risk or need."⁶⁶ The report soundly endorsed the principle of social security as "a form of investment in physical health, morale, educational opportunities for children, and family stability."⁶⁷ "The basic soundness of social insurance," it concluded, "is that it is underwritten by the community as a whole."⁶⁸

The federal government constructed Canada's postwar social architecture incrementally, one program after another, in the two decades following the Second World War. Canada's welfare state and its version of social citizenship rights rested on three layers of social protection:⁶⁹ first, universal programs, such as Old Age Security (1927),⁷⁰ mother's allowance (1944),⁷¹ and, eventually, health care (1967)⁷² were available to all Canadians as a right of citizenship; second, social insurance programs, principally Unemployment Insurance (1945)⁷³ and the Canada and Quebec Pension Plans (1966),⁷⁴ were premised on labor force participation and payroll

63. Brodie, *Social Citizenship*, *supra* 48, at 35–36.

64. L. C. MARSH, REPORT ON SOCIAL SECURITY FOR CANADA 9 (Univ. of Toronto Press 1975) (1943).

65. *Id.*

66. *Id.* at 10.

67. *Id.* at 12.

68. *Id.* at 11.

69. Jenson, *supra* note 46, at 189.

70. For a discussion of the evolution of the Canadian system of social protection, see ROYAL COMM'N ON THE ECON. UNION AND DEV. PROSPECTS FOR CAN., *Human Resources and Social Support*, in 2 REPORT 537, 547 (1985).

71. *Id.*

72. *Id.*

73. *Id.*

74. *Id.*

deductions and; third, social welfare, comprised of modest and conditional income and other supports, funded and administered by the provinces, for those on the margins or excluded from the paid labor force (for example, single mothers, the disabled, and the unemployable).⁷⁵ In 1966, the federal government assumed half of the cost of all provincial welfare programs under the provisions of the Canada Assistance Plan (“CAP”).⁷⁶ Until 1995, CAP, in effect, ensured that all Canadians demonstrating need were eligible for social assistance without time limits or conditions such as workfare.⁷⁷

Together, these policies underwrote a model of social reproduction that was premised on two political imaginaries: first, a stable, working-middle-class nuclear family comprised of a male breadwinner, a dependent wife providing unpaid domestic and care labor, and several children who could aspire to social mobility; and second, a family wage, which was an amalgam of wages and employment benefits often enhanced through collective bargaining, progressive taxation, universal social programs, social security, and a variety of targeted income supports for children, the disabled, and the elderly. However, this formula for family security and social reproduction was short-lived. Beginning in the 1980s, the federal government regularly raised the specter of recessions, rising budgetary deficits, an impending “debt wall,” and global competition as reasons for abandoning the foundational premises of the welfare state.⁷⁸ The federal social envelope was progressively stripped of funds, the Unemployment Insurance program was repeatedly restructured to reduce benefits and tighten eligibility as well as to minimize the federal government’s obligations under the program, and universal social programs for families and the elderly were subjected to deindexation to inflation and clawbacks through taxation.⁷⁹

Canadian social policy analysts and activists generally agree that the 1995 federal budget and, in particular, its unveiling of the Canada Health and Social Transfer (“CHST”),⁸⁰ a federal block grant to the provinces for social spending, was a watershed in Canadian social

75. See Jenson, *supra* note 46, at 189–90.

76. See BRODIE & BAKKER, *supra* note 54, at 22–23.

77. See *id.*

78. See STEPHEN MCBRIDE, PARADIGM SHIFT: GLOBALIZATION AND THE CANADIAN STATE 79–81 (2001).

79. See SHERRI TORJMAN, THE LET-THEM-EAT-CAKE-LAW 1–2 (1995), available at <http://www.caledoninst.org/Publications/PDF/485ENG.pdf>.

80. See BRODIE & BAKKER, *supra* note 54, at 21–24.

policy development.⁸¹ The CHST arguably released the federal government from any lingering commitments to the aspirations of social liberalism, devolving the weight of responsibility for social policy design and funding to sub-national governments and clearing space to articulate neoliberal policy logics in new federal policy initiatives. The 1995 budget struck debilitating financial blows to the federal social policy envelope and eliminated many of the spaces within the federal bureaucracy that had previously been responsible for social policy development. Further, with the introduction of the CHST, the federal government both ended its commitment to share with the provinces the costs of social assistance and reduced the amount of funds that it transferred to the provinces to support health care, social services, and post-secondary education.⁸² The value of cash transfers to the provinces fell rapidly and dramatically, forcing significant cuts to provincial social assistance programs and related social services in particular.⁸³ Within a few years, however, the federal government arguably, having achieved a budgetary surplus at the expense of the provinces and Canada's most vulnerable, tentatively re-entered the social policy terrain. Part IV of this Article traces the ways in which federal family policy has been reconfigured in recent years.

IV. CANADIAN FAMILY POLICY REFORM 1996–2009

In the last two decades of the twentieth century, successive Canadian federal governments, both Conservative and Liberal, progressively eroded the social programs that underpinned the postwar ideal of social citizenship rights. With the return of federal budget surpluses in the waning years of the millennium, however, the federal government launched a series of new initiatives to address the new social risks generated by an increasingly continentalized/globalized national economy.⁸⁴ These new initiatives focused almost exclusively on two pressing constraints for many Canadian families: first, declining incomes among middle- and low-

81. See ARMINE YALNIZYAN, CANADIAN FEMINIST ALLIANCE FOR INTERNATIONAL ACTION, CANADA'S COMMITMENT TO EQUALITY: A GENDER ANALYSIS OF THE LAST TEN FEDERAL BUDGETS (1995–2004), at 32–34 (2005), available at http://www.policyalternatives.ca/sites/default/files/uploads/publications/National_Office_Pubs/2005/Canada_Commitment_To_Equality.pdf.

82. See *id.* at 32–33.

83. See BRODIE & BAKKER, *supra* note 54, at 50–54.

84. See, e.g., James J. Rice & Michael J. Prince, *Martin's Moment: The Social Policy Agenda of a New Prime Minister*, in HOW OTTAWA SPENDS 2004–2005, at 111, 116 (G. Bruce Doern ed., 2004) (highlighting, in particular, the initiatives listed in Table 1, *infra*).

income households, especially among the working poor; and second, the growing crisis in care.

Canada's emersion into the global era has brought about profound and rapid changes to the labor force and to the organization of family life. Similar to other industrialized countries, there has been an unrelenting decline in well-paying manufacturing jobs, which were the lynchpins of the postwar family wage and the male breadwinner model of social reproduction. The 2008 financial crisis saw the loss of 357,000 manufacturing jobs, but, already in the decade, over half a million manufacturing jobs in Canada had disappeared.⁸⁵ These jobs have been partially replaced by precarious, often part-time, positions with low wages and few benefits.⁸⁶

The past two decades also have brought a growing gap between upper- and lower-income households in Canada as well as a marked deterioration in the financial security of most Canadian families. Although top earning households saw a 16.4% increase in income (based on median earnings of full-time, full-year earners) in the 1980–2005 period, the earnings of middle income groups stagnated and those of the bottom group declined by 20.6%.⁸⁷ Record high levels of personal household debt and low levels of saving reflect the vulnerability of middle- and low-income families.⁸⁸ The 2008 financial crisis and the ensuing abrupt and deep recession have accelerated this decline with stubbornly high unemployment rates, especially in the manufacturing sector, and sharply devalued household net worth, particularly with respect to equity investments and pension savings.⁸⁹

Partially in response to these deteriorating economic indicators, an unprecedented number of women and mothers have entered the Canadian work force. The progressive erosion of the postwar family wage has meant that two incomes are now necessary to support most middle and lower class families. In 2004, Statistics Canada reported that women constituted 47% of the Canadian workforce, growing to

85. See ARMINE YALNIZYAN, EXPOSED: REVEALING TRUTHS ABOUT CANADA'S RECESSION 18 (2009), available at http://www.policyalternatives.ca/sites/default/files/uploads/publications/National_Office_Pubs/2009/Exposed_Revealing_Truths_About_Canadas_Recession.pdf.

86. Leah F. Vosko, *Precarious Employment and the Challenges for Employment Policy*, in PUBLIC POLICY FOR WOMEN, *supra* note 52, at 374, 375–78.

87. See Conference Board of Canada, *Income Inequality*, <http://www.conferenceboard.ca/HCP/Details/society/income-inequality.aspx> (last visited Mar. 15, 2010).

88. YALNIZYAN, *supra* note 81, at 25–27.

89. See *id.* at 26–27.

50% during the first quarter of the 2009 recession.⁹⁰ Approximately 69% of women with children under the age of three years are employed, double the figure of 1976, and 77% of women with children aged between three and five years are in the labor force, up from 37% in 1976.⁹¹ Women workers' average pre-tax income in 2007 was only 65.7% of the average male wage, a statistic that has shown little improvement in a decade.⁹² All of these factors add up to growing household income insecurity and a care deficit that the Canadian federal government has sought to address through family policy reform in the past decade. Table 1 lists federal initiatives that have been implemented in the post-CHST era.

Table 1. Major Canadian Family Policy Initiatives, 1996–2009

A	Income Security
1996	Unemployment Insurance Reforms—Renamed Employment Insurance (“EI”)
1998	Canada Child Tax Benefit (“CCTB”); National Child Benefit Supplement (“NCBS”)
2000	Maternity and Parental Benefit extended through EI to 50 weeks
2003	Child Disability Benefit
2007	Working Income Tax Credit
2009	Registered Disability Savings Plan
B	Care
1998	Caregiver Tax Credit
2000	Early Childhood Development Initiative
2003	Multilateral Framework on Early Learning (“ELCC”)
2004	Compassionate Care Benefit through EI
2006	Universal Child Care Benefit
Note: Compiled by Author	

90. *More Women in the Workforce than Men*, EDMONTON J. (Alberta), Sept. 6, 2009, at A9; see also Trish Hennessy & Armine Yalnizyan, *Canada’s “He-Cession”: Men Bearing the Brunt of Rising Unemployment*, BEHIND NUMBERS, July 2009, at 1, 1–2, available at http://www.policyalternatives.ca/sites/default/files/uploads/publications/National_Office_Pubs/2009/HeCession.pdf (showing that men were disproportionately affected because of job losses in the manufacturing sector where they dominate).

91. JANE BEACH ET AL., *EARLY CHILDHOOD EDUCATION AND CARE IN CANADA* 2008, at 179 (8th ed. 2009).

92. See MONICA TOWNSON, *WOMEN’S POVERTY AND THE RECESSION* 6 (2009), http://www.policyalternatives.ca/sites/default/files/uploads/publications/National_Office_Pubs/2009/Womens_Poverty_in_the_Recession.pdf.

A. Income Support

1. Unemployment Insurance

Normally, Unemployment Insurance (“UI”) is not categorized as a family policy, but the peculiarities of the Canadian scheme have made it an important plank in family income security and care policy. Initially conceived as an insurance scheme for full-time workers, Canada’s UI program was steadily eroded throughout the 1990s as rules governing eligibility were tightened and benefits reduced. In 1996, the program was renamed Employment Insurance (“EI”) and important structural changes were introduced, making hours worked instead of weeks worked the basis for calculating eligibility.⁹³ On the face of it, these changes were supposed to respond to the risks of an increasingly precarious labor market, making it easier for part-time workers to qualify for benefits.⁹⁴ But, in typical actuarial style, eligibility was calibrated against risk: the number of hours required for EI benefits was set so high that few part-time workers, often those most vulnerable to unemployment, qualified, and the proportion of workers that could claim benefits dropped precipitously.⁹⁵ In 1990, for example, 83% of unemployed workers paying into the scheme were covered by UI, in contrast to 2008 when only 43% qualified.⁹⁶ EI, in other words, excludes 60% of the unemployed at any point in time.⁹⁷ As a result, there has been a massive shift in the risks and costs of market instability and unemployment to individuals and families, generally those with the least capacity to bear the weight of income loss. With six out of ten workers paying into but not withdrawing from the program, EI surpluses ballooned in the late 1990s, and the federal government began to redirect unemployment premiums to fund other family income security programs, specifically maternity, parental, and compassionate care benefits as well as government debt reduction.⁹⁸ Only 60% of expenditures in the EI account actually go to families to replace lost earnings due to unemployment.⁹⁹ This policy change is directly related to rising working-age poverty in

93. See CAMPEAU, *supra* note 60, at 155.

94. See *id.*

95. See YALNIZYAN, *supra* note 81, at 34–38.

96. See KEN BATTLE & SHERRI TORJMAN, THE FEDERAL ROLE IN POVERTY REDUCTION 8 (2009), <http://www.caledoninst.org/Publications/PDF/766ENG.pdf>.

97. TOWNSON, *supra* note 92, at 12.

98. See YALNIZYAN, *supra* note 81, at 39, 70.

99. LARS OSBERG, CANADA’S DECLINING SOCIAL SAFETY NET: THE CASE FOR EI REFORM 16 (2009), *available at* http://www.policyalternatives.ca/sites/default/files/uploads/publications/National_Office_Pubs/2009/Canadas_Declining_Safety_Net.pdf.

Canada, especially among such “at risk” groups as recent immigrants, the disabled, Aboriginal Canadians, and single mothers. More importantly, I argue that the evolution of EI progressively embodies neoliberal assumptions about the market as the primary source of individual and family wellbeing and the responsibility of individuals and families to cushion the negative consequences of frictional and structural unemployment. Without unemployment benefits, displaced workers, in effect, are forced into the labor market to take any job or to rely on kin to help them through their hard times.

2. Maternity and Parental Benefits

Canada began to use unemployment insurance premiums to fund maternity and parental leave programs in 1971, initially covering fifteen weeks of leave for biological mothers.¹⁰⁰ The program was expanded in 1984 to include adoptive parents, and in 1990, it was extended by ten weeks, which could be shared by mothers and fathers.¹⁰¹ With the EI account bulging, the EI program was revised in 2000 to extend maternity and parental leave for the care of newborn and newly adopted children to a maximum of fifty weeks (plus a two week qualifying period).¹⁰² Approximately 90% of claimants for maternity and parental leave are mothers, and, in 2007, approximately 64% of births benefited from this much applauded federal initiative.¹⁰³ In 2009, the payment rate was 55% of a maximum insured earned income, amounting to a weekly income of \$447.00.¹⁰⁴ While generous by American standards, this program advantages moderate to high income as well as dual income earner families.¹⁰⁵ “Women with lower incomes tend to return to work much sooner (within four months) than those with higher incomes (nine to twelve months).”¹⁰⁶

Self-employed and contract workers do not have access to paid maternity and parental leave except in the province of Quebec.¹⁰⁷ In January 2006, the province implemented the Regime Quebecois

100. See CAMPEAU, *supra* note 60, at 85–87.

101. Gregg M. Olsen, *Toward Global Welfare State Convergence*, J. SOC. & SOC. WELFARE, June 2007, at 143, 149.

102. Martha MacDonald, *Income Security for Women: What About Employment Insurance?*, in PUBLIC POLICY FOR WOMEN, *supra* note 52, at 251, 260.

103. BEACH ET AL., *supra* note 91, at 4.

104. Olsen, *supra* note 101, at 149.

105. MacDonald, *supra* note 102, at 260.

106. BRODIE & BAKKER, *supra* note 54, at 27.

107. Diane Gabrielle Tremblay, *Quebec’s Policies for Work-Family Balance: A Model for Canada?*, in PUBLIC POLICY FOR WOMEN, *supra* note 52, at 271, 272.

d'assurance Parentale (“RQAP”).¹⁰⁸ This program, unique in Canada, provides benefits for every eligible worker—salaried and self-employed—for maternity leave, parental leave, paternity leave, or adoption leave.¹⁰⁹ The plan allows new parents to select between two options—a longer leave period with lower benefits and a shorter leave period with higher benefits.¹¹⁰ Importantly, the plan eliminates the two-week qualifying period, which continues to be required by the EI scheme, significantly increases the maximum insurable income, admits workers with as little as \$2,000 insurable income, and includes self-employed workers.¹¹¹ The Quebec plan also includes a three-week leave period that is only available to fathers.¹¹² While providing more income security to new parents and better opportunities for parents to care for newborn and adopted children, the plan also has coincided with a baby boom in the province.¹¹³ Since 2006, the birthrate in Quebec has increased by 8%, the biggest jump since 1909.¹¹⁴

3. Child Benefits

The Canadian Child Tax Benefit (“CCTB”) and the National Child Benefit Supplement (“NCBS”), introduced in 1997 and implemented in 1998, are the most ambitious and expensive family policy initiatives in a generation.¹¹⁵ A monthly payment to help families defray the costs of raising children was a formative and integral part of Canada’s postwar social policy regime. A mothers’ allowance, also known as “baby bonus,” first introduced in 1944, provided mothers with a modest sum for each of their children until they reached adulthood.¹¹⁶ This program diminished in significance beginning in the 1970s, when it was only partially indexed against inflation, and in the late 1980s, when it was taxed back from all but the neediest families.¹¹⁷ In 1993, the family allowance was eliminated and replaced with an income tested Child Tax Credit (“CTC”).¹¹⁸ The

108. *Id.* at 280.

109. *Id.* at 280–82.

110. *Id.* at 281.

111. *Id.* at 281–82.

112. MacDonald, *supra* note 102, at 261.

113. Tremblay, *supra* note 107, at 272.

114. *Id.*

115. See YALNIZYAN, *supra* note 81, at 80.

116. See Jenson, *supra* note 46, at 192–93.

117. *Id.* at 193.

118. *Id.* Breaking with this trend of reducing and targeting financial support for families, the Quebec government introduced an Allowance for Newborn Children in 1988, which provided up to \$8,000 tax-free to parents of newborns. Gary Marr, *Next Cutback?*

CTC did little to alleviate child poverty in Canada, which had been placed at the top of the social policy agenda in 1989 when the federal government pledged to end child poverty in Canada by 2000.¹¹⁹

The CCTB and the NCBS introduced in the 1997 federal budget was yet another attempt to tackle the stubborn problem of child poverty.¹²⁰ It also was the case, however, that amidst ever louder neoliberal rhetoric, children had become almost the sole remaining group that could legitimately make claims on the state for financial support.¹²¹ The CCTB provided a refundable tax credit for all families with children up to a specified taxable income while the NCBS offered additional support for low income families with children. Since its introduction, the federal government has repeatedly raised the amount of the CCTB (\$1,520 for the first child in 1997 to \$3,416 in 2006) as well as the threshold of eligibility so that now the vast majority of Canadian families receive this credit.¹²² The CCTB and NCBS are widely credited with pulling many families, especially single parent families headed by women, across the poverty line. The poverty rate for this latter group was approximately 53% in 1996 compared to 28% in 2006.¹²³ Families caring for a child with severe and prolonged mental or physical impairment also are eligible for a tax-free monthly payment, the Child Disability Benefit (“CDB”), introduced in 2003, but only if their income falls below a particular threshold. Currently, the maximum benefit is \$2,500.¹²⁴ Despite these measures, the Conference Board of Canada reports that child poverty rates have increased in this decade: from 12.8% in the mid-1990s to 15.1% in the mid-2000s.¹²⁵ In other words, these measures, while reducing child poverty, are still inadequate to realize the federal government’s 1989 pledge to end child poverty.¹²⁶

Having Children: The Cost of Raising Children Push Some People to Put Off Having Them, FIN. POST (Vancouver), July 11, 2009, at B2. Although this program boosted the birthrate in the province, it was cancelled when the province introduced Canada’s most generous child care subsidy program in the late 1990s. *Id.*

119. See BRODIE & BAKKER, *supra* note 54, at 28.

120. McKeen, *supra* note 52, at 73–74.

121. See BRODIE & BAKKER, *supra* note 54, at 89.

122. See KEN BATTLE ET AL., THE FORGOTTEN FUNDAMENTALS 2 (2009), available at <http://www.caledoninst.org/Publications/PDF/727ENG.pdf> (“The *Canada Child Tax Benefit* is . . . a broad-based program that serves the majority of Canadian families with children, excluding only the wealthy.”).

123. See BATTLE & TORJMAN, *supra* note 96, at 2.

124. BATTLE ET AL., *supra* note 122, at 2.

125. Conference Bd. of Canada, *How Canada Performs* (2009), <http://www.conferenceboard.ca/HCP/Details/society.aspx> (last visited Mar. 15, 2010).

126. See Jane Jenson, *Changing the Paradigm: Family Responsibility or Investing in Children*, 20 CANADIAN J. SOC. 169, 170 (2004).

4. Working Income Tax Benefit

The CCTB and especially the NCBS were criticized by many as being little more than “make work pay” or “welfare in work” initiatives, that is, measures designed to provide the working poor with marginally better incomes than those on social assistance, rather than investments in children.¹²⁷ As more and more families are included under the umbrella of the CCTB, this assessment carries less weight. The idea of “welfare in work,” however, was implemented in 2007 with the refundable Working Income Tax Benefit (“WITB”), which supplements the incomes of the working poor.¹²⁸ Although slightly enhanced in the 2009 federal budget, the WITB is too small (under \$2,500) to provide income security for poor Canadians and their families. The Conference Board of Canada reported in 2009 that the poverty rate among working age Canadians (eighteen to sixty-five years) has increased significantly since the mid-1990s.¹²⁹ Even before the current recession, one in ten working age Canadians lived in poverty, a proportion that places Canada fifteenth among seventeen peer OECD countries. Only Japan and the United States have higher poverty rates among their working age populations.¹³⁰ These statistics reveal the federal government’s social investments of the past decade have been inadequate in addressing the challenges posed by rapidly changing labor markets.

5. Registered Disability Savings Plan

The federal government’s recent family policies have been targeted to specific groups and often sit on the boundary between income support and support for family care.¹³¹ The Registered Disability Savings Plan (“RDSP”), launched in 2008, is a primary example of how income support for targeted groups has been

127. See Alexandra Dobrowolsky & Jane Jenson, *Shifting Representations of Citizenship: Canadian Politics of Women and Children*, 11 SOC. POL. 154, 171–72 (2004).

128. Canada Revenue Agency, Working Income Tax Benefits (“WITB”), www.cra-arc.gc.ca/bnfts/wtb/menu-eng.html (last visited Feb. 7, 2010).

129. Conference Bd. of Canada, Working-Age Poverty, <http://www.conferenceboard.ca/HCP/Details/society/working-age-poverty.aspx> (last visited Feb. 8, 2010).

130. *Id.*

131. See, e.g., Human Resources and Skills Development Canada, Information Session—2007—The Registered Disability Savings Plan (“RDSP”), http://www.hrsdc.gc.ca/eng/learning/education_savings/publications_resources/promoter/communications/presentations/rdsp.shtml (last visited Feb. 7, 2010) (describing the RDSP, which is specifically designed to provide support for families caring for children with disabilities).

legislated to stand in for care needs.¹³² The RDSP, celebrated as the first of its kind in the world, enables families to create a modest financial nest egg for disabled Canadians to draw upon later in life, presumably after primary caregivers can no longer provide care or have died.¹³³ While complex, the plan allows for contributions to an RDSP by or on behalf of anyone who qualifies as disabled, until the beneficiary reaches the age of forty-nine.¹³⁴ These contributions are not tax deductible, but the income generated across the life of the plan is not taxable.¹³⁵ The federal government, moreover, has committed to enhance these personal plans with significant public expenditures.¹³⁶ Through the Canada Disability Savings Grant, the federal government will match private contributions by 300, 200, or 100 percent up to an annual maximum of \$3,500 and \$70,000 over the lifetime of the RDSP.¹³⁷ The government also commits to paying low income applicants up to \$1,000 per year through a Canada Disability Savings Bond to help build their private plans up to a \$20,000 lifetime maximum.¹³⁸

In sum, then, the federal government has undertaken a number of policy initiatives to shore up the incomes of Canadian families and especially poor Canadians in an era of stagnating and declining average incomes. These initiatives are welcome, but it also bears repeating that these social policy reforms embody foundational commitments to the primacy of the market income and family networks in ensuring family wellbeing as opposed to the postwar rationalities of collective provision and social security. Unemployment insurance premiums, for example, no longer provide a cushion for workers and their families in times of need; instead, these premiums have been redirected to new parents, both to provide income and to situate infant care within the confines of the family. Other income security measures are intended to pull poor workers and families from the ranks of social assistance into the paid labor force but not to build on capacities to compete in the labor market. I will return to these themes more fully in the Conclusion of this Article.

132. *Id.*

133. *Id.*

134. *Id.*

135. *Id.*

136. *Id.*

137. *Id.*

138. *Id.*

B. Care

The provision of care for children, the disabled, and the elderly is perhaps the most urgent and challenging social risk associated with the disappearance of the postwar male breadwinner–dependent wife model of social production. The unprecedented entry of women into the paid labor force due to changing social norms, the erosion of the family wage, and the growth of diverse family forms has fueled a growing care deficit that has forced typical households to scramble to meet their care needs.¹³⁹ Social demographers, moreover, characterize today’s parents as forming a “sandwich generation,” which is increasingly asked to devise caring solutions for both their children and their aging parents. The Canadian government has introduced a variety of initiatives in the past decade¹⁴⁰ to address the growing care deficit. These family policies, however, privilege private and market-based solutions, which are widely assessed as inadequate both for typical families and for broader strategies of economic competitiveness and social stability.

1. Compassionate Care

Although Canada has a universal health care system, it does not address the critical and predictable life cycle demands of caring for the elderly, the chronically infirm, and the terminally ill, who increasingly are choosing to spend their final days at home. Policy responses to these care needs have been arguably few and insufficient. In 1998, for example, the federal government introduced a Caregiver Tax Credit, in part to compensate for the unpaid work of family caregivers. However, the tax credit can only be claimed against taxable income, thereby excluding primary caregivers, predominantly women, who do not have an independent source of taxable income. Somewhat counterintuitively, then, men have claimed approximately 60% of this tax credit.¹⁴¹ The gendered premise that only paid workers should be compensated for care was further embedded in the federal government’s Compassionate Care Benefit (“CCB”), which was introduced in 2004. Similar to maternity and parental leaves, the CCB funds family caregivers through unemployment payroll deductions. Workers are eligible for six weeks of paid leave through

139. See Gøsta Esping-Andersen, *Towards the Good Society, Once Again?*, in *WHY WE NEED A NEW WELFARE STATE* 1, 2 (Gøsta Esping-Andersen ed., 2002) (explaining that states need to facilitate women workers to increase their tax bases).

140. See *supra* Table 1.

141. BRODIE & BAKKER, *supra* note 54, at 46.

the EI program—within a twenty-six week period—but only if they have six hundred insured hours and can demonstrate that their weekly incomes have declined as a result of their care activities.¹⁴² For those unable to qualify for EI, the CCB allows employees who have worked for at least three months to take a six week unpaid leave to care for a family member who has a high and immediate risk of dying.¹⁴³ Since its introduction, the plan has been altered to allow for a broader range of family members to access the program and to share in caring responsibilities. The CCB, however, is firmly situated in an adult-worker model where care resides in the family, and the state facilitates this care only by compensating caregivers who temporarily withdraw from the paid labor force to provide care.¹⁴⁴

As already discussed, the terms of EI are prohibitive for most part-time workers, while low income earners often cannot afford to forfeit almost half of their income to care for a dying family member. As important, I would suggest that the CCB also does not recognize the ongoing family-work costs and strains experienced by workers with frail parents or severely disabled family members who need constant care but are not in immediate risk of dying. A recent study of the “baby-boomer” generation found that 35% spent more than forty-two hours a week caring for a parent or parents while 40% indicated that they spent an average of \$6,000 per year as caregivers.¹⁴⁵

2. Child Care

A significant family policy reform that occurred during the period under review was the extension of maternity and parental leave to fifty weeks for those eligible under the EI program in 2000.¹⁴⁶ While this policy change underwrites a strategy of private infant care, child care and early childhood learning remains a vexing challenge for many Canadian families. The provision of accessible, affordable, and quality child care is widely recognized as a critical public infrastructure to address childhood development, child poverty, the

142. MacDonald, *supra* note 102, at 263.

143. Service Canada, Employment Insurance Compassionate Care Benefits, http://www.servicecanada.gc.ca/eng/ei/types/compassionate_care.shtml (last visited Feb. 7, 2010).

144. MacDonald, *supra* note 102, at 262.

145. Linda Nguyen, *Aging Parents a Second Job for Many Boomers*, EDMONTON J. (Alberta), Oct. 20, 2009, at A3.

146. BRODIE & BAKKER, *supra* note 54, at 27.

feminization of poverty, and family income security.¹⁴⁷ This social infrastructure arguably provides children with equitable early learning environments and enables parents with young children to re-enter the labor force, to retain earnings, and to maintain a dual-earner family, increasingly the norm among lower- and middle-income families. When compared to OECD peer countries, however, Canada has consistently received failing grades in this vital field of contemporary family policy.¹⁴⁸ Leading international agencies have described Canada's child care system as a chronically underfunded patchwork of inadequacy, ranking Canada last among developed countries in terms of access to early learning and child care spaces.¹⁴⁹ In 2006, for example, an OECD study ranked Canada last of fourteen countries with respect to investment in early childhood education and child care services and last among twenty countries in relation to access.¹⁵⁰ Even after a flurry of legislative initiatives during this decade, a December 2008 UNICEF study of twenty-five developed countries ranked Canada last in meeting accepted standards of early learning and child care:¹⁵¹ in fact, Canada met only one of the ten enumerated benchmarks.¹⁵² Only one in five Canadian children under age twelve has access to a regulated child care space.¹⁵³ This contrasts with rates as high as 78% in Denmark, 60% in the United Kingdom, and 40% in Portugal.¹⁵⁴

Although public opinion polls consistently demonstrate that three out of four Canadians strongly favor the creation of a national child care program, the federal government has been reluctant to establish a national program with national standards, not the least

147. FAFIA-AFAI, IWD 2006: Childcare Is Key to Women's Equality, <http://www.fafia-afai.org/en/story/iwd-2006-childcare-key-womens-equality> (last visited Feb. 7, 2010).

148. See Jody Dallaire & Lynell Anderson, *The Fight for a Publicly-Funded Child Care System in Canada*, 18 OUR SCHOOLS/OUR SELVES 25, 26–27 (2009) (discussing policies to build child care infrastructure).

149. See PETER ADAMSON, UNICEF INNOCENTI RESEARCH CTR., INNOCENTI REPORT CARD 8, THE CHILD CARE TRANSITION 2, 20–21 (2008), available at http://www.unicef.ca/portal/Secure/Community/502/WCM/HELP/take_action/Advocacy/rc8.pdf; MARTHA FRIENDLY, CHILD CARE RES. AND RESEARCH UNIT, BRIEFING NOTES, EARLY LEARNING AND CHILD CARE: HOW DOES CANADA MEASURE UP? 9–10 (2006), available at http://www.childcarecanada.org/pubs/pdf/BN_EarlyLearning06.pdf.

150. Dallaire & Anderson, *supra* note 148, at 28.

151. Martha Friendly, *Can Canada Walk and Chew Gum?: The State of Child Care in Canada in 2009*, 18 OUR SCHOOLS/OUR SELVES 41, 43 (2009).

152. *Id.*

153. BEACH ET AL., *supra* note 91, at 179.

154. Terrance Hunsley, *Work-Life Balance in an Aging Population*, HORIZONS, Apr. 2006, at 3, 11.

because this is formally an area of provincial/territorial jurisdiction.¹⁵⁵ The federal government also signed an agreement with the provinces and territories in 1999, the Social Union Framework Agreement, in which it promised not to act unilaterally to establish future national social policies.¹⁵⁶ In the absence of a national framework, provincial and territorial governments typically have used various funds flowing from the federal government for child care and early childhood education to further entrench the prevailing privatized/market-based model of child care services.¹⁵⁷ Some provinces have raised parent subsidies without setting limits on the amount that private providers can charge for child care services. For many families, child care is as significant a drain on family finances as sending a child to university.¹⁵⁸ Quebec stands out as an exception and policy leader in this regard. In 1998, it launched a universal child care system the goal of which was to provide regulated child care, for all parents who wish to use it, for a minimal fee (\$7 per day). Although the supply of spaces has not kept up with demand, the province's allocation to early learning and child care far surpasses the commitments of other provinces in this area.

The federal government began to explicitly target transfers to the provinces and territories for the development of child care infrastructures when the Early Childhood Education Development Agreement was unveiled in 2000.¹⁵⁹ As part of the federal government's National Children's Agenda, it provided funds to support families and children in four broad areas, including early childhood development, learning, and care. The agreement, however, failed to tie federal funding to any performance measures, and, consequently, the provinces used these federal funds in many different ways, some only marginally related to child care.¹⁶⁰ In response to domestic pressures and unfavorable international rankings, Canada's government finally began to move toward a national child care program in 2003 with the signing of the

155. Dallaire & Anderson, *supra* note 148, at 30–31 (citing CHILD CARE ADVOCACY ASS'N OF CAN., CANADIAN'S ATTITUDES TOWARDS NATIONAL CHILD CARE POLICY OVERVIEW (2006), http://www.ccaac.ca/pdf/resources/Reports/Poll_Fact_Sheet.pdf).

156. See Alain Noël, *Power and Purpose in Intergovernmental Relations*, in FORGING THE CANADIAN SOCIAL UNION: SUFA AND BEYOND 47, 47 (Sarah Fortin, Alain Noël & France St-Hilare eds., 2002).

157. Dallaire & Anderson, *supra* note 148, at 26.

158. *Id.*

159. BRODIE & BAKKER, *supra* note 54, at 31.

160. See YALNIZYAN, *supra* note 81, at 68 (arguing that a decade of federal spending and policies have disadvantaged women).

multinational framework on Early Learning and Child Care (“ELCC”).¹⁶¹ “After sustained federal-provincial negotiation, this was followed in 2004 by the Early Childhood Development and Education Initiative (“ECDEI”).”¹⁶² Separate five-year agreements were concluded with selected provinces, enabling them to develop child care strategies that were attentive to local needs, using federal per capita grants to increase spaces and access. However, the election of a minority Conservative government in 2006 brought these long-awaited initiatives to an abrupt halt. Although the Harper government indicated that it would honor the former government’s child care commitments to the provinces for a short period, the foundations for a national child care program were replaced with the Universal Child Care Benefit (“UCCB”).¹⁶³

A fiscal social policy instrument, the UCCB provides a taxable \$1,200 per year (or \$100 per month) for all children under six years of age to assist in paying for child care.¹⁶⁴ This universal benefit is a significant public expenditure, providing parents with young children with a nominal monthly allowance to spend as they wish. But it also leaves parents with full responsibility to develop individualized care strategies among a limited range of personal or expensive private sector options.¹⁶⁵ This universal benefit also favors two-parent families that can afford a stay-at-home parent to attend to child care needs. Because the benefit is taxable against the income of the lowest-paid spouse, families with one spouse either unattached or minimally attached to the paid labor force arguably will realize larger financial gains from the program than families with two working parents or single parents in the workforce. One of the more significant liabilities of the UCCB, I argue, is that it does not provide adequate public support for building an early learning and child care infrastructure in Canada. Although the plan initially allotted \$250 million annually to create new spaces, child care advocates argue that this commitment is inadequate to meet current need or future demand.¹⁶⁶ Currently, the federal government spends approximately \$5.6 billion on its early learning and child care envelope, but 80% is

161. BRODIE & BAKKER, *supra* note 54, at 33.

162. *Id.*

163. *Id.*

164. *Id.*

165. Dallaire & Anderson, *supra* note 148, at 25.

166. See BEACH ET AL., *supra* note 91, at xvi–xvii (discussing how there has been limited growth in the number of regulated child care spaces in most provinces within Canada).

dispersed through the UCCB, another 9% goes to the provinces, and 11% is intended to support the creation of new child care spaces.¹⁶⁷ The rate of increase in new child care spaces, however, has dropped precipitously since the introduction of the UCCB.¹⁶⁸

Also termed the “choice in child care benefit,” the UCCB is represented as a universal social benefit and a reinvestment in the Canadian social fabric, which, purportedly unlike publicly delivered programs, respects the autonomy and authority of parents by giving families choice in meeting their child care needs. For child care advocates, it is an inadequate policy instrument in both investment and vision. The benefit is insufficient to cover the costs of regulated day care and, if anything, provides only symbolic recognition of the unpaid care work of women and intimate family networks. In fact, it may reinforce traditional gendered biographies and traditional family forms. The language of choice elevates the goal of individual liberty, prioritizes “consumer sovereignty,” and promotes the illusion that a broad range of options are available to all parents.¹⁶⁹ With dual-earner families increasingly becoming the norm, few families can choose to have one parent stay at home to care for a child, especially if the subsidies for child care are unrealistically low. Clearly, as well, single-earner families do not have this choice. Instead, inadequate child care subsidies are more likely to underwrite part-time and precarious employment for women, as families struggle to make “ends meet” and care for their children and, increasingly, for other family members such as aging parents. These so-called choices are neither equal nor universal. To put a blunter edge on it, those who do not have money do not have choice in child care, irrespective of political rhetoric to the contrary.¹⁷⁰

In sum, then, Canada’s reliance on the market to provide affordable and accessible child care demonstrates a three-fold market failure: the lowest child care access rates in the industrialized world; the highest parental fees anywhere; and poor skills development, remuneration, and retention rates among early childhood educators.¹⁷¹

167. Dallaire & Anderson, *supra* note 148, at 29.

168. TOWNSON, *supra* note 92, at 25.

169. Paul Kershaw, *Choices Discourse in BC Child Care: Distancing Policy from Research*, 37 CAN. J. POL. SCI. 927, 929–30 (2004).

170. See TOWNSON, *supra* note 92, at 25.

171. Dallaire & Anderson, *supra* note 148, at 26.

CONCLUSION

This Article began by advancing three propositions about the relationship between globalization and family policy: first, the influence of globalization on social policy is neither direct nor uniform but, instead, is strongly mediated by the extent to which national governments have deployed neoliberal political rationalities in policy design and implementation; second, analyses of contemporary family policy should be as concerned with the ways in which states frame policy reforms as with how much governments spend; and, finally, neoliberalism is most productively understood as a contested political rationality that weaves foundational commitments to market logics, individualization, economic calculations of efficiency, and multiple sites of authority into new public policies and regulatory fields and onto existing ones. This review of Canadian family policy reforms demonstrates each of these tendencies, especially the core roles assigned to the market, market solutions, and the self-sufficient individual/family in the design of new social policy initiatives that are intended to respond to some of the social risks generated directly and indirectly by economic globalization.

The family policy reforms discussed in this Article are saturated with foundational commitments both to the primacy of market income as the currency for family wellbeing and to the exclusion of the public sector as a space for social planning, collective insurance, and social provision. The disappearance of the family wage and the declining financial capacities of middle- and lower-income families in the past two decades have been met with targeted, conditional, and meager tax credits for the working poor, child benefits conditional on income, a small baby bonus masking as a child care program, and privatized savings plans for the disabled.¹⁷² None of these policies, however, chart a trajectory up the income ladder. Neither do they aspire to close the growing income gap among Canadian families, which opens the future for some children and closes it for too many others.

Most of the family policy reforms that Canadian national governments have unveiled in the past decade, I argue, have been implemented through fiscal policy, specifically through tax credits and benefits. The fiscalization of social policy means that social policy goals are pursued only indirectly through direct cash payments, tax credits, tax benefits, and tax deductions that are applied against

172. See TOWNSON, *supra* note 92, at 6 (discussing how contemporary policies continue to disadvantage women, especially the poor and single mothers).

earned income. Eligibility for many of these initiatives is determined by or indexed to family income, while social needs are presumed to be met through choices configured in the market and family spending priorities.¹⁷³ This implementation strategy rests on two powerful assumptions: first, money can stand in for social planning, democratic debate, public infrastructure, and community-building because markets will respond to consumer demand; and, second, families will use relatively small increments in family income for their designated policy goal. These are, at best, questionable assumptions for a great many families that are coping with declining incomes, economic insecurity, unemployment, and rising debt. Initiatives nominally designated to support care needs are easily converted, through fiscalization, into modest family income support measures. Such support is increasingly necessary for the growing ranks of contemporary families that are struggling to make ends meet, but the fiscalization of care policy does little to advance a work-life reconciliation agenda, nor can it be assumed that markets will stand in for the state, policy making, and public policy in the provision of social infrastructures. Market solutions to public demand will not materialize without the promise of profit.

Governmental responses to the growing care deficit typically fall into three broad categories: (1) *laissez-faire*, where families are expected to find their own solutions to their caring needs; (2) *work-family alternation*, where policies enable parents, disproportionately women, to give priority to care work or labor force participation at different times in their lives; and (3) *work-life balance*, where policies are explicitly designed to better enable families to combine domestic and workforce demands.¹⁷⁴ Canada's maternity, parental, and compassionate care programs fit under the second alternating model, but, as already noted, fiscalized care policies are a thinly veiled *laissez-faire* approach and a handmaiden to individualization and neoliberal representations of the self-sufficient individual/family. Individualization effectively downloads responsibility for systemic changes, such as deteriorating labor markets and the growth of women's labor force participation, onto individuals and individuals within families.¹⁷⁵ It is a governing strategy that demands that people find personal causes and responses, what Beck terms as "biographic solutions," to what are in effect shared social challenges in a

173. BRODIE & BAKKER, *supra* note 54, at 45–46.

174. See Tremblay, *supra* note 107, at 273–75.

175. See Janine Brodie, *Reforming Social Justice in Neoliberal Times*, 1 STUD. SOC. JUST. 93, 103 (2007).

globalizing era, such as those relating to social reproduction and care.¹⁷⁶ This governing strategy demands that we take responsibility for and contrive solutions to our own problems, our own circumstances, and our own decisions, including child-bearing and rearing. The problem with this formulation is not that individuals, both inside and outside of families, do not try to seek solutions to their particular needs or comply with individualized solutions when forced upon them.¹⁷⁷ Rather, the problem, as Bauman explains, is that the very formulation of a “biographic solution to systemic contradictions is an oxymoron; it may be sought but it cannot be found.”¹⁷⁸ He continues, “the subjects of contemporary states are individuals by fate: the factors that constitute their individuality—confinement to individual resources and individual responsibility for the results of life choices—are not themselves matters of choice.”¹⁷⁹

The 2008 financial crisis and its devastating social aftermath betray the recklessness of this social imagination. It has conjured up a perfect storm for too many families, who arguably have never been so exposed on so many fronts to the vagaries of the market but, nonetheless, are expected to find personal solutions to such systemic factors as rampant unemployment, the collapse of equity markets and pension plans, and a social architecture that has failed to adequately adjust to the social risks generated by economic globalization. Governmentality theorists, as described at the beginning of this Article, contend that political rationalities inform both the identification of “the problem” and “the solution” in the policy-making process. These rationalities are neither good nor bad on some grand scale of evaluation, but they do create their own consequences, both intended and unintended. The 2008 financial crisis was, in part, an unintended consequence of neoliberal political rationalities but so too were the solutions, the massive financial interventions by governments everywhere, but especially in North America, to prop up financial markets to the exclusion of multiplying social deficits—otherwise captured in the metaphor of Wall Street, or, in Canada’s case, Bay Street, and Main Street. This policy response revealed that policy makers remain firmly entrenched in a neoliberal mindset—one that constructs the market as the foundation for social wellbeing and social progress. Dissenting voices, many arguing for public

176. BECK & BECK-GERNSHEIM, *supra* note 1, at 22–26; Brodie, *The New Social “isms,” supra* note 48, at 159–60.

177. ZYGMUNT BAUMAN, *THE INDIVIDUALIZED SOCIETY* 105–06 (2001).

178. ZYGMUNT BAUMAN, *SOCIETY UNDER SIEGE* 68 (2002).

179. *Id.* at 69.

investments in social infrastructures and new technologies to promote sustainable social reproduction, have been sidelined in the debate about how to revive the fragile global economy. Perhaps more disquieting, massive public bailouts of the private sector and skyrocketing governmental debt promise to constrain future endeavors to steer the ship of state to a more socially sustainable future. Ultimately, however, the future of family-friendly social policy reform hinges less on budgetary constraints than on the ways that the challenges and social risks of daily life are named and understood. Meaningful policy change is always preceded by shifting social imaginaries and new idioms of politics. Recovery from the current economic crisis will require a return to stability in global financial markets, but it also demands much more. It demands naming the omissions of neoliberalism and searching for policy solutions that find their legitimacy, not in the myth of the market but in the improved lives of ordinary citizens. It invites reflection on a fundamental political question: namely, what is government for? The answer to that question must surely entail the economic security and growing care needs of families, in all their variety.

